

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CHRISTOPHER LANCASTER,

Plaintiff,

v.

Civil Action No. 1:16cv200
(Judge Keeley)

J. TODD, Officer; OFFICER ARTRIP;
C. O. B. KUNKLE; OFFICER FERRELL;
M. DOYLE, Lieutenant; NURSE MYERS;
NURSE FOWLER; NURSE HILEMAN;
LT. HARRISON; TERRY O'BRIEN, Warden;
ODOM, Assoc. Warden; THOMPSON,
Executive Ass't.; NURSE DAWSON;
CAP'T. GILLY; D. JONES, Counselor;
SHERK, Officer; C. TROOPMAN, Officer;
C. BENNET, Officer; B. MICHAELS [sic],
Officer; MERKERGO [sic]; BRADLY,
Officer; ALLISON, Officer; ANDREWS,
Officer; BOYARD, Officer; and "all
unknown not listed in Complaint,"

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 64]

On October 21, 2016, the pro se plaintiff, Christopher Lancaster ("Lancaster"), filed a Bivens¹ action against multiple correctional officers and employees at U.S.P. Hazelton (dkt. no. 1). The Court referred this action to United States Magistrate Judge James E. Seibert for initial screening and a Report and Recommendation ("R&R") in accordance with LR PL P 2. On March 31, May 1, and May 26, 2017, Lancaster filed three separate motions to amend or correct his complaint, seeking to dismiss three defendants

¹Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 390 (1971).

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 64]

and to remove his claim for nominal damages (dkt. nos. 39, 43, and 60).

On June 14, 2017, Magistrate Judge Seibert issued an R&R, in which he recommended that the Court deny as futile all three of Lancaster's motions to amend or correct his complaint, because the proposed amendments "will not change the outcome of this case" (dkt. no. 64 at 3). The R&R also specifically warned Lancaster that his failure to object to the R&R would result in the waiver of any appellate rights he might otherwise have on this issue. *Id.* at 20. The parties did not file any objections.² Consequently, finding no clear error, the Court **ADOPTS** the R&R (dkt. no. 64) and **DENIES** Lancaster's motions to amend or correct his complaint (dkt. nos. 39, 43, and 60).

It is so **ORDERED**.

The Court directs the Clerk of Court to transmit copies of this Order to counsel of record and to the pro se plaintiff, certified mail, return receipt requested.

Dated: July 10, 2017.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

² The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. *See Thomas v. Arn*, 474 U.S. 140, 148-153 (1985); *Wells v. Shriners Hosp.*, 109 F.3d 198, 199-200 (4th Cir. 1997).